

REMARKS

Claim Rejections Under 35 USC § 112, first paragraph

The rejected claims are cancelled without prejudice or disclaimer, rendering this rejection moot.

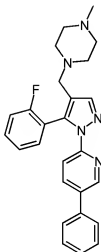
Rejections Under 35 U.S.C §112, second paragraph

The last group from the definition of Het is deleted, rendering this rejection moot.

Rejections Under 35 U.S.C §102 and §103

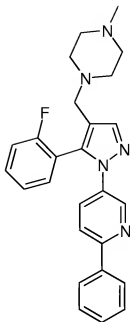
The data below demonstrates that the position of the N atom (variable X in the claims) in the ring leads to a strongly enhanced activity on the target of the instant application, 5HT_{2A}, which is not the case for the compounds of WO '435. The only difference in the below tested compounds is the position of the N atom (variable X).

The following compound of the application



has an IC₅₀ 5-HT_{2A} activity of 2.40E-08 [M], and a IC₅₀ Glycine transporter activity of 2.00E-06 [M].

The comparative compound of WO '435 of the following formula



has an IC₅₀ 5-HT_{2A} activity of 2.20E-07 [M], and an IC₅₀ Glycine transporter activity of 2.00E-06 [M].

There is a whole magnitude difference in the values of IC₅₀ 5-HT_{2A} activity among these compounds, which is a significant and unexpected result, especially since the prior art is silent on this activity.

Reconsideration in view of the above is respectfully and courteously requested.

Additional dependent claims are added which further distinguish from the disclosure of WO '435.

The Commissioner is hereby authorized to charge any fees associated with this response or credit any overpayment to Deposit Account No. 13-3402.

Respectfully submitted,

/Csaba Henter/

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